

REMARKS

Claims 1, 3 through 8, 10 through 33, 35 through 45, 59, 60 and 65 through 68 remain pending in this application. Claims 46 through 53, 55 through 58, 61 through 64, and 69 are cancelled herein. Further reconsideration of this application in view of the foregoing amendment and the following remarks is respectfully requested.

Restriction Requirement:

It is submitted that claims 59 and 60 belong in Group I, since they depend from claim 1 and also recite a method for a receiver interacting with broadcast services. They are consequently still pending.

Claim Rejections - 35 U.S.C. § 103:

The final Office Action rejects claims 1, 3, 4, 6 through 8, 10 through 14, 16 through 30, 32, 33, 35 through 37, 39 through 45, 66 and 68 under 35 U.S.C. § 103 as unpatentable over Throckmorton et al., US 5,818,441 in view of Green et al., US 5,664,110 and Aker (The Macintosh Companion). The rejection is traversed. Withdrawal of the rejection is respectfully requested.

Twice amended claim 1 recites, in pertinent part:

"a processor responsive to the stored information data to output for display data derived from said image data and said information data and representing an interactive image."

And twice amended claim 28 recites:

"responding to the stored information data by outputting for display data derived from said image data and said information data and representing an interactive image."

It is submitted that responding to stored information data by outputting for display data derived from image data and information data and representing an interactive image, as recited in twice amended claims 1 nor 28, is disclosed in neither Throckmorton, Green nor Aker.

Throckmorton discloses a system for providing information associated with a broadcast television program to a consumer. The broadcast television program or, more generally, "primary data stream" and associated information or "associated data" may be transmitted together by, e.g., "broadcast, cable or a package media such as cassettes and audio CDS" (see column 4, lines 9-11 of Throckmorton). On the receipt of the data, a consumer unit presents "the primary data stream to the consumer in the manner in which a typical consumer would expect to see the data presented" (see, e.g. column 6, lines 36-39 of Throckmorton). "The primary data stream is immediately rendered and the associated data is stored in local data storage 80" (see column 7, lines 66 to column 8, line 1 of Throckmorton).

The associated data is handled by the decoder 58, associated data protocol manager 60, communications manager 66 and associated components. In the case that "associated data" is received with the "primary data", the "associated data" is decoded by the decoder 58 and translated by the associated data protocol manager to a form useable by the communications manager 66. In addition, the communications manager 66 receives "associated data" from "telephone modems, ISDN modems, cable modems, wireless modems, satellite modems, broadcast TV, radio and the like" (see column 6, line 35 to column 7, line 12) of Throckmorton. This first embodiment is not interactive.

Referring to column 8, lines 16-24 and Figures 4 and 5 of Throckmorton, a second embodiment includes interactive communication. In this embodiment, a two way communication channel 74 is connected to the communications manager 66 (see Figure 5 of Throckmorton). The two way communication channel may be "a conventional switched analogue telephone system interfaced to a modem, a digital switched system such as ISDN interfaced to an appropriate adapter card, a wide area network connected through an access device, satellite technologies, and the like" (see column 8 lines 57-63 of Throckmorton).

In the first embodiment, a consumer unit simply displays received "associated data" via a human interface (see column 8, lines 1-15 of Throckmorton). In the second embodiment, a consumer is able to access on-line services. For example, the "associated data" may comprise URL addresses to be accessed by the consumer (see column 9, lines 1-25 of Throckmorton).

Importantly, there is no disclosure of a processor responsive to stored information data to output for display data derived from image data and information data and representing an interactive image, as required by claims 1 and 28 of the application. Rather, the "primary data" of Throckmorton is rendered and displayed immediately and quite separately from the "associated data". The processing of the image data is not responsive to the stored associated data in Throckmorton.

This results in a vital difference between the disclosure of Throckmorton and the claimed invention. Throckmorton simply relates to the provision of separate "associated data" relating to "primary data". For example, one can imagine this being displayed as two separate windows on a PC monitor or using a PC to deal with the "associated data" in combination with a television receiving the "primary data" as a normal television broadcast. In contrast, the present invention displays data derived from the image data and the information data in response to the information data. For example, in the case of an electronic program guide, the displayed interactive image may include the image data.

This should not be confused with the display of "associated data" in Throckmorton at a time associated with the receipt of the "primary data". This is the display of "associated data" dependent on the "primary data", not the display of data derived from image data and the information data in response to the information data, as required by the claimed invention.

The Applicants request respectfully some evidence be provided to support the assertion in the final Office Action at page 5, first paragraph, to the effect that 'it was well known in the art to for (sic) a user of a network data

terminal device to utilize a GUI image in order to activate a modem and establish communication with a remote site.' In the meanwhile, the assertion is traversed.

Green describes a remote ordering system arranged to provide a user with the ability to build and edit one or more lists and manipulate a display of the same information. The remote ordering system allows the user to order items from a merchant without having to travel to the merchant's location. The system comprises a modem for establishing a link with a merchant database (column 5, line 7). Data from the database can be displayed by the system. All that this reference really shows is that a modem can be used to connect a computer to a remote database.

Green relates to a dedicated remote ordering system. No image data, e.g. television signals, are broadcast in this system. The technology of Green would not therefore be considered by persons skilled in the art dealing with the broadcast of digital television signals and data for interactive display. Furthermore, Green neither teaches, discloses, nor suggests responding to stored information data by outputting for display data derived from image data and information data and representing an interactive image, as recited in claims 1 and 28.

This use of two different media enables broadband images to be transmitted in order to give a realistic simulation of a shopping environment, while allowing narrow band, transaction-specific information to be exchanged via a telephone line. This approach enhances realism without significantly increasing the system overheads. The approach is simply not disclosed or suggested in any cited reference.

Aker neither teaches, discloses, nor suggests responding to stored information data by outputting for display data derived from image data and information data and representing an interactive image, as recited in claims 1 and 28. Since neither Throckmorton, Green, nor Aker describe responding to stored information data by outputting for display data derived from image data

and information data and representing an interactive image separately, their combination cannot, either.

The Applicants request some motivation or suggestion to combine the teachings of Throckmorton, Green, and Aker, as required by 35 U.S.C. § 103(a) and the M.P.E.P. §706.02(j)(D), beyond the simple assertion that one or another of the elements may have been known in the art, or notoriously well known, or obvious.

The Applicants also request respectfully some evidence to support the taking of official notice at page 7, paragraph 6, to the effect that it was well known in the art to generate image data with a specific size or resolution, and hence that it would have been obvious to modify Throckmorton. In the meanwhile, the assertion is traversed.

Finally, the Applicants request respectfully some evidence to support the taking of official notice at page 8, paragraph 2, to the effect that it was well known in the art to issue credit cards, and hence that it would have been obvious to modify Throckmorton. In the meanwhile, the assertion is traversed.

Accordingly, twice amended claims 1 and 28 and their dependent claims are believed to be patentable over Throckmorton in view of Green and Aker. Withdrawal of the rejection of twice amended claims 1 and 28 is earnestly solicited.

Claims 5, 15, 31, 38, 65 and 67 are rejected under 35 U.S.C. § 103(a) as unpatentable over Throckmorton in view of Green and Aker, and further in view of Hendricks, WO 94/14284. The rejection is traversed. Withdrawal of the rejection is respectfully requested.

Claims 5, 15, 31, 38, 65 and 67 depend on one of twice amended claims 1 or 28. Neither Throckmorton, Green, nor Aker describe responding to stored information data by outputting for display data derived from image data and information data and representing an interactive image as discussed above with respect to twice amended claims 1 and 28. It is respectfully submitted that

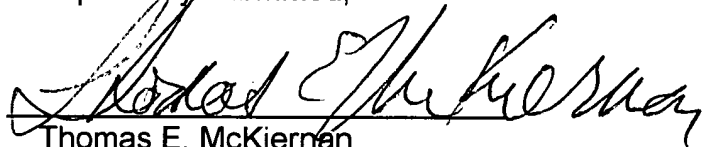
Hendricks does not, either. Since neither Throckmorton, Green, Aker nor Hendricks disclose responding to stored information data by outputting for display data derived from image data and information data and representing an interactive image separately, their combination cannot, either. Claims 5, 15, 31, 38, 65 and 67 are thus submitted to be allowable. Withdrawal of the rejection of claims 5, 15, 31, 38, 65 and 67 is earnestly solicited.

Conclusion:

In view of the above amendments and remarks, it is believed that the claims satisfy the provisions of the patent statutes and are patentable over the prior art. Reconsideration and early notice of allowance are requested.

Respectfully submitted,

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